

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JARQUEZ DUREN**

**PLAINTIFF**

**V.**

**CAUSE NO. 4:17CV154-DMB-JMV**

**CARROLL-MONTGOMERY REGIONAL  
CORRECTIONAL FACILITY, ET AL.**

**DEFENDANTS**

**ORDER**

Before the Court is Defendants' Motion to Compel discovery. According to Defendants, the *pro se* Plaintiff, who is believed to be incarcerated, has failed to respond to written discovery requests, including interrogatories, requests for admission, and requests for production, all propounded on May 7, 2018. Defendants seek an order compelling discovery, deeming requests for admission admitted, dismissing the case with prejudice, and finding Plaintiff in contempt. Defendants' request for an order compelling discovery is granted, and **Plaintiff shall have fourteen (14) days from this date to serve full responses (all objections being waived) to Defendants' interrogatories and requests for production.** Defendants' request for an order deeming requests for admission admitted is moot as that relief is granted automatically by the plain language of Rule 36(a)(3) of the *Federal Rules of Civil Procedure*.<sup>1</sup> Defendants' requests for a dismissal with prejudice and a finding of contempt are without merit on this record as there

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<sup>1</sup> "A matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney." FED.R.CIV.P. 36(a)(3).

is neither proof nor an allegation that Plaintiff has disobeyed an order compelling discovery. *See* FED.R.CIV.P. 37(b)(2).

**SO ORDERED THIS**, the 27<sup>th</sup> day of December, 2018.

/s/ Jane M. Virden  
U. S. Magistrate Judge